

drive-by shooting. Petitioner is uniquely qualified to submit to this court by way of affidavit any statement he may wish to make under penalty of perjury concerning his presence or lack thereof during the drive-by-shooting.

Petitioner may also present in writing any legal argument he may have as to why he believes the government's legal position is wrong. As petitioner has shown throughout this civil action, he is very capable of presenting cogent legal arguments. Despite petitioner's arguments to the contrary, the legal issues presented by his Petition and the government's Response are straight forward. Thus, the court can find no basis for appointing counsel.

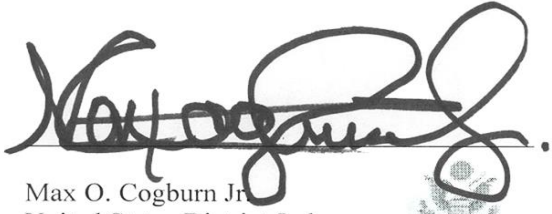
In accordance with Rule 5 of the Rules Governing Section 2255 Proceedings, the court will allow petitioner an opportunity to file a Reply and support such reply with any exhibits he may want the court to consider. Any exhibit submitted must be either an affidavit or a declaration or accompanied by an affidavit or a declaration. An affidavit is a writing sworn to before a notary public or another person authorized to administer oaths. A declaration is a writing signed "under penalty of perjury." Petitioner is advised that any sworn statement or statement made under penalty of perjury that is not truthful could expose him to additional prosecution inasmuch as perjury before this court is a federal criminal offense.

While the court will deny the request for reconsideration of appointment of counsel, petitioner is advised that the court will on its own consider whether counsel will be appointed after he files his Reply. *If* such Reply and the exhibits warrant an evidentiary hearing, counsel will then be appointed as required under the Rules Governing Section 2255 Proceedings.

ORDER

IT IS, THEREFORE, ORDERED that petitioner's Motion for Reconsideration of Appointment of Counsel (#11) is **DENIED**, and petitioner is allowed 30 days from the filing of this Order to file his Reply and any supporting affidavits.

Signed: June 12, 2015



Max O. Cogburn Jr.
United States District Judge